



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
Margaret M. O'Neill Bldg., Suite 1, Room 311
410 Federal Street
Dover, Delaware 19901
302-739-3621

The Honorable John Carney
Governor

John McNeal
SCPD Director

BRAIN INJURY COMMITTEE DRAFT MINUTES

September 9, 2019 – 2:00 PM

Smyrna Rest Area Conference Room, Smyrna, DE

16 in attendance of 24 QUORUM PRESENT.

PRESENT:

Tammy **Clifton**, DOL/ DVR, Senior Vocational Rehabilitation Counselor and **BIC Chair** (obo Andrea Guest, Director); Andrew **Burdan**, Brain Injury Advocate; Nicholas A. **Duko**, Program Mgr., BCBS Highmark Health Options; Katie **Freeman**, Psychologist, DSCYF/DPBHS, (obo Robert Dunleavy LCSW); Sue **Gamel-McCormick**, APRN, DHSS/DMS/Birth To Three; , Kristy **Handley**, Executive Director (Brain Injury Association of Delaware (BIAD)); Kristin **Harvey**, DDC (obo Rick Kosmalski); Jeffrey S. **Hysan**, Paralegal, Community Legal Aid Society, Inc., Disabilities Law Program; Miguel **Marcos**, TCM Program Manager, Wilmington VA Medical Center; Karen **McGloughlin**, Director of Women's Health (obo Dr. Karyl Rattay, Director); Christina **Miller**, Insurance Investigator Supervisor, Department of Insurance/TBI Survivor; Dr. Ron **Sarg**, DCVA/MOAA; Carey **Swartzentruber**, Survivor; Tiffany **Taylor**, Nurse Navigator (obo George DelFarno, Director, Post-Acute Medical Rehabilitation (Dover)); Jamila **Waigwa**, DHSS/DSAAPD; and Megan **Witman**, Director of Therapy Operations, Encompass Health;

ABSENT:

Christine **Applegate**, Nurse Navigator, Neurosurgery, Bayhealth Neurosciences; Nidhi **Atri**, Psychiatric Resident II, DHSS/DPC/DSAMH (obo Elizabeth Romero); Sybil **Baker**, GACEC (obo Wendy Strauss); Linda **Brittingham**, Christiana Care Health System (CCHS); Dale **Matusevich**, DOE, ECE, Education Associate, Transition Services (obo Mary Ann Mieczkowski); Ann **Phillips**, Parent of a survivor; Dorothy **Prior**, Psychologist, (obo Marie Nonnemacher) (DDDS);

ADDITIONAL ATTENDEES: (Not able to vote or count toward quorum)

IN-PERSON – Alvin Emory, Dee **Rivard**, SCPD

TELECONFERENCE PARTICIPANTS: Nancy **Ranalli**, Director of Community Outreach, Easterseals;

CALL TO ORDER

Tammy Clifton called the meeting to order at 2:03 p.m., after all members arrived and signed-in.

- Tammy thanked everyone for attending requesting everyone to introduce themselves for the benefit of anyone new. Alvin Emory introduced himself and provided a brief bio stating that he is interested in attending the BIC meetings.
- Tammy announced that Dee forwarded her a copy of an email from Vice-Chair Sharon Lyons. Tammy read Sharon's email announcing that after much consideration, Sharon intends to step down from all but the TBI Fund Application Review Committee due to personal reasons. Sharon appointed Kristy Handley, Executive Director of the Brain Injury Association of Delaware to take her place on the BIC. Please welcome Kristy to her first meeting.
- Director John McNeal accepted Sharon's resignation and requested that the BIC members send Dee nominations for someone to replace Sharon as the BIC Vice-Chair. The election will take place at the beginning of our next BIC meeting.

ADDITIONS/DELETIONS TO THE AGENDA

Tammy inquired if there were any additions or deletions to the agenda. Hearing none, Kristin motioned to approve, Miguel Marcos seconded the motion and voting committee members in attendance unanimously approved the agenda as prepared.

APPROVAL OF PREVIOUS MEETING'S MINUTES

Tammy inquired if everyone had sufficient time to review the minutes of our last meeting on August 5 and inquired whether members had any additions, deletions, or corrections to the minutes.

- Ron requested a grammatical correction to line 5 on page 5 to remove the extra (.) period.
- Ron also requested a grammatical correction on the fourth line down on page 7 to remove the (.) period following the abbreviation "LTSS" and the word "Program".
- Jeffrey Hysan requested a correction to the name "John Hopkins" to correctly show it as "Johns Hopkins" with the "s" included on the word John.

- Ron Sarg made a motion to approve the 08/05/19 minutes of the BIC meeting as amended, Carey Schwartzentruber seconded the motion and voting committee members in attendance unanimously approved.

SURVIVOR INPUT

Tammy asked Alvin Emory if he would like to share some information about himself at this time.

- Alvin shared that he is a person with a disability dealing with Audio/Visual processing. While he has full understanding he experiences a disconnect when he has to read something out loud.
- Alvin shared that he is a retired Shriner's Clown who had the pleasure of spreading joy amongst veterans at the Veterans' Affairs Hospital in Elsmere and children at the Shriner's Hospital.
- As a person with a disability (PWD) Alvin has seen a lot of positive movement. He is a member of the Developmental Disabilities Council (DDC) and finds fellow council members and the DDC staff very supportive. Alvin feels that Delaware has come a long way in advancing supports for individuals with disabilities. He stated that people from other states tell him that we are a very positive state that helps people with disabilities.

OLD BUSINESS

School Nurse Training on Concussions - Karen apologized stating that Dale did send her information and that Dee did remind her; however, her schedule is very full right now. She requested to move her presentation back to the October meeting.

Review & Discussion of Motorcycle Helmet Advocacy

- A discussion of ideas and suggestions ensued with members suggesting various ways to proceed. Karen McGloughlin suggested providing a synopsis update of motorcycle fatalities since 2014 and identifying the data on motorcycle injuries. Is it still only 19 states? What are other states doing about helmet legislation?
- Kristy is going to Florida for a conference. She advised that Pennsylvania does not have anything going right now. The BIAD has nationwide data that she received

last month. Kristy will forward the data to Dee for her to share with the BIC members. Christiana CEOs and emergency room physicians all provided testimony and gave specific statistics the last time. However, ABATE members who are close to Representative Sean Lynn provided emotional testimony.

- As a committee, we need to find out who turned it around the last time this legislation was introduced. Who is the ABATE lobbyist? Christina Miller advised that the insurance lobbyist also testified. She suggested starting a petition for Delawareans who are in favor of a helmet law. Christiana will check with her leadership about co-lobbying for a helmet law or the possibility of requesting significantly increased insurance costs to cover expenses.
- Alvin Emory shared personal experiences and encounters with motorcycle driver's erratic driving especially on crotch rockets who frequently weave through traffic and go around traffic on the shoulder of the road. He shared about a large motorcycle group riding on Route 1 who were prohibiting passage and blocking traffic.
- Kristin Harvey suggested starting a social media campaign.
- Christiana assured members that she would attend to give personal testimony as a caregiver.
- Perhaps the BIC should create a one page flyer to send to everyone that contains Delaware specific data, a personal story, and what we as a committee are requesting from legislators.
- Perhaps BIC should start an event page for people to register to come and speak about it to tell their personal story.
- Tammy's husband is a motorcycle rider and wears his helmet. She inquired if there was a change in the law in Delaware that permits motorcycle riders to ride the center line and come up in between cars to stop at traffic signals or to pass in the center.
- Ron Sarg inquired if Delaware has a motorcycle driver test. Is there a requirement to wear a helmet during the test with DMV or during the training provided by DMV? Is there a way to reduce insurance premiums for those who wear the helmets? Is there a way to reduce Medicaid payments for someone who doesn't wear a helmet? What is Medicaid's stance on injuries from DUI accidents?

- Karen stated that hopefully the data committee which meets following this meeting can do a cost analysis for Motorcycle injuries with long-term care analysis. It is important to also include accident data and before and after pictures and stories. Could we find out the amount that health insurance companies have had to write-off for medical costs from motorcycle accidents. Perhaps we could also obtain data on motorcycle accidents with injuries from the past two years. Members thought that it would be beneficial to assemble a packet of information. Karen stated that the Data Development Subcommittee will look at the medical costs. Treatment has to be done within 3 years to be considered outside of the timeframe for Personal Injury Protection (PIP). This committee needs to focus on Traumatic Brain Injuries (TBIs) and statistics that include whether or not the motorcyclist was wearing a helmet.
- Kristin inquired if anyone had ever facilitated a discussion with ABATE. She emphasized that the discussion would need to take the framework of “I hear what you are saying and be respectful.” Have you considered XYZ? She suggested that perhaps the BIC could do a public call to awareness by hosting a Town Hall style meeting that included facilitators.
- Another committee member suggested including the volunteer fire-companies in order to obtain feedback on what they see when responding to the scene of accidents. What about including the costs incurred by DeIDOT for onsite accident scene response.
- Committee members did not believe that Pennsylvania has helmet laws. According to Pennsylvania’s Motorcycle Helmet Law:

“Pennsylvania Law requires that any person who operates or rides a motorcycle (including an autocycle) must wear protective headgear unless he or she is over 21 years of age or older and has either two years of riding experience or has completed a motorcycle safety course approved by PennDOT or the Motorcycle Safety Foundation. In addition, the operator or an occupant of a three-wheeled motorcycle or autocycle equipped with an enclosed cab is exempt from wearing a helmet.”
- What is the committee’s timeline? Would like to introduce this legislative session beginning in January. Dee will find out what committee handles the helmet

legislation ABATE. [House Public Safety & Homeland Security Committee and the Senate Corrections and Public Safety Committee]

- Ron advised that Representative Sean Lynn is against a helmet law in Delaware. This committee will need to establish a good initial plan of attack. Ed Berner is the state legislative lobbyist for ABATE.
- **NEXT STEPS:** Ron will reach out for a status update from Representative Sean Lynn. The Committee will need to obtain data and look at our membership and official position. It is important that we listen to hear and not to respond and that we maintain a respectful discourse.
 - Obtain current data.
 - Christiana will need to obtain approval from Frank first and even if he approves, it will then take weeks to obtain the data from the insurance agencies. It will also require that the information is typed up correctly. Cost of Insurance Company's write off for motorcycle accidents, discount for wearing helmets?
 - The Prevention and Outlook Subcommittee will work to obtain testimonies from individual survivors who may be willing to share their information. The Prevention & Outreach Subcommittee will need to feed names and resources to BIC members. This subcommittee will also work on creation of an Info Sheet and flyer for Delaware with assistance from the DDS members.
 - Members felt that the best practice is to create a one-page Info Sheet with pictures.
 - The BIC needs to create a story bank, perhaps through the use of a form shared on the State Council website that would include a notice for anyone sharing information to agree to that would state the following. "I understand that by sharing my story, I am holding the SCPD harmless and that SCPD may share my story on their website, in brochures, or Info Sheets, and use it to assist in lobbying for legislation relating to brain injuries and/or disabilities."

- Committee members need to work on soliciting survivors or their families to share their personal stories.
- Kristy Handley volunteered to set up the story bank on the Brain Injury Association of Delaware's (BIAD) website.
- The Prevention & Outreach Subcommittee could work on the one pager in collaboration with the Data Development Subcommittee.
- Kristin suggested hosting a Town Hall style of meeting -- not to debate but to listen, to hear where the other side is coming from and why they feel so strongly about this issue. This would require obtaining funding for facilitator. Possible locations to hold the Town Hall would include libraries in each county e.g. Route 9, Dover Public, Kent County Library and Sussex County libraries. Perhaps John or Kyle could check with Rita Landgraf to see if she would want to facilitate the meeting. Another meeting location is the Kent County Levy Court meeting room located at 555 Bay Road in Dover. Tiffani Taylor stated that perhaps someone from Post-Acute Medical Rehabilitation could moderate the Town Hall since the subject is of particular interest to them. Tiffani will check for a moderator and report back at our next meeting. Another suggestion for Town Hall locations included DelDOT because they typically have large meeting rooms at the Motor Vehicle locations in each county.
- Ron Sarg suggested also obtaining testimony and buy-in from Delaware's first responders, some of whom suffer from PTSD from repeatedly seeing the trauma at crash sites. Who covers the first responder cost for accidents? How much state and federal funding is expended because of motorcycle crashes? Every volunteer fire company in the State of Delaware receives funding through the Delaware Grant in Aid Program. One of the BIC members' should also check with the Chiefs' Association to obtain costs expended on their behalf. The State Fire School is a good resource to obtain costs information. How much does each accident cost the state? ABATE is using emotions, while we are relying on financial costs; perhaps it is time for

us to also include the emotional costs to the survivor's families and caregivers. We need to get constituents involved.

Data Development Subcommittee Survey Completion

- Karen told everyone that the Data Development Subcommittee only received 6 surveys returned to Dee out of 24 BIC members. She emphasized to the BIC members how important this survey is to helping the DDS members prepare to receive useable data from the Delaware Health Information Network (DHIN) and requested that **every BIC member complete and return the survey before the October meeting**. Karen stated that Dee even created the survey in an electronic format so that if a member is not interested or involved in doing research they can simply enter N/A for that area. Please return all surveys to Dee **before the October 7 BIC meeting**.

COMMITTEE & SUBCOMMITTEE UPDATES

- **TBI Fund Application Review Committee Update**
 - Katie Freeman, Co-Chair of the TBI Fund announced that there hasn't been much change since our last meeting. The TBI Fund only received two new applications since our last meeting. The TBI Fund could spend a lot more money; however, we are hampered by the fact that in order to receive funds the applicant must have suffered a TBI not an acquired brain injury (ABI).
 - Keep sharing information on the fund. The most encountered issue reported is difficulty with the required forms, filling out the forms and obtaining help with filling out the forms.
 - Katie shared that we are currently trying to get someone from AmeriHealth to the table to help their client's complete forms. Kent County Non-Profit and Interagency Committee is another resource that may help survivors complete the required forms.
 - Tammy attended a meeting of the Sussex County Health Coalition recently where Tiffani McCreary-Davis from AmeriHealth stated that nobody gets turned away and affirmed that they can help clients with filling out forms. Tammy shared that one client's mother and son are unable to do this.

Tammy referred her to Ms. Davis and will be following up to ensure that they were helped. AmeriHealth also does health risk assessments. During Tiffani McCreary-Davis' remarks she stated that AmeriHealth partners with the BIC.

- Kristy inquired if anyone connected with the "Account Care Organizations" (ACOs) to request their assistance with completing forms and paperwork for survivors since they do a lot of the paperwork for different healthcare organizations? Kristy suggested sharing information with them on the brain injury fund. Kristy believes that there are at least 4 or 5 ACOs. Kristy volunteered to obtain the contact information for these ACOs since she is also a part of this group as well as the AmeriHealth wellness clinic.

- **Data Development Subcommittee (DDS) Update**

- Karen McGloughlin shared that the DDS is meeting immediately following the BIC meeting at 4:00 pm. She announced that there is also a separate smaller working group that will meet with TerriLynn Palmer from DHIN to figure out what our data request involves. Tonight's meeting is a regular subcommittee meeting. She reminded all BIC members that as a committee and as part of the larger SCPD, this request for data is something that the BIC group has tried to obtain through various methods for a very long time. Now that the SCPD is approved to receive the claims data, the DDS members need you to take that ask and **fill out the survey form**. We need the surveys returned. Don't worry about completing the entire survey, simply complete the piece that most applies to what we as a Brain Injury Committee are trying to achieve. Karen promised not to hold anyone to their specific suggestions and ideas; however, we just need the overall idea of what kind of data we will need to request. **Surveys are due by Friday, September 27 at noon!**

- **Prevention and Outreach Subcommittee Development**

- Tiffani Taylor announced that the Prevention and Outreach Subcommittee met just prior to the BIC meeting today.

- This subcommittee needs another representative from New Castle County. Committee members are currently working on a provider service letter to hand out to providers. In addition the members are working on adding informational links to different flyers to leave at outreach events. Members are also looking to participate on talk shows, radio shows and Delmarva Life.
- Kristy promised to share outreach events with Dee.
- Nancy and Tiffani attend different vendor events and will leave information about the TBI Fund on their table for visitors to pick-up.
- Kristy and Tammy will attend the Military Mental Health Summit and agreed to share information on the Brain Injury Fund. Kristy is also attending the Delaware Healthcare Forum on October 29 and agreed to share information on the Brain Injury Fund. Sharing the cost helps both agencies participate with staffing the table for this event.

NEW BUSINESS

- N/A.

ANNOUNCEMENTS

- **Dee requested that BIC members send her nominations for a new Vice-Chair** as soon as possible and no later than the day before our next BIC meeting.
- Kristin Harvey announced that the registration link is now live for the 2020 LIFE Conference. The early bird discounted rate deadline ends December 31.
- Kristy Handley announced that the Brain Injury Association of Delaware (BIAD) is working with the Sussex County Coalition to do a “Delaware goes Green” to raise awareness about brain injuries. BIAD is working on a proposal to bring awareness to brain injury during the entire month of March each year that will kick off during the annual Brain Injury Conference scheduled for March 5, 2020.
- Will be over 300 people at the Summit tomorrow.
- Nancy Ranalli announced that Easterseals has new respite funding starting on October 1. Applications are available from their website after September 15. The funding goes pretty quickly. Even if you have received it before you still need to apply each year. Call 302-221-2087 for information on Lifespan Respite funding,

Grandparent Respite funding, and funding for families raising children who have behavioral health issues.

ADJOURNMENT

- Ron Sarg made a motion to adjourn that Kristin Harvey seconded. Tammy called for discussion and hearing none, called for a vote by committee members present who unanimously approved the motion to adjourn at 3:37 pm.

NEXT MEETING

- The next scheduled Brain Injury Committee meeting is on:

Monday, October 7 at 2:00 p.m.,

Smyrna Rest Area Conference Room
5500 DuPont Parkway, Smyrna, DE 19977